

## Chapter 263

### ZONING

#### ARTICLE XIV

##### Fees

#### § 263-50. Planning and professional consultant fees.

- A. Application fees. All nonrefundable application fees shall be in an amount set forth in a fee schedule established, and as amended, from time to time by resolution of the Village of Brewster Board of Trustees. No fee shall be required of the Village for Village projects.
- B. Reimbursement of professional review fees. The Board of Trustees, the Planning Board, and the Zoning Board of Appeals, as the approving agencies, in the review of any application presented to it, may refer such application to any planner, engineer, environmental expert, legal counsel or other professional as such Board shall deem reasonably necessary to assist it in the review of such application as required by law. Fees charged by such individuals shall be in accordance with a contractual agreement between the Village and such professional. All such charges shall be paid by the Village upon submission of a Village voucher. The applicant shall reimburse the Village for the cost of such professional review services upon submission of a copy of the voucher or, at the discretion of the approving agency, in accordance with Section 263-50(C) herein concerning the establishment of escrow accounts. The payment of such fees shall be required in addition to any and all other fees required by this or any other section of this chapter of any other Village law, ordinance or regulation.
- C. Escrow account procedures. At the time of submission of any application to, and prior to the review of the Board of Trustees, the Planning Board or the Zoning Board of Appeals, the approving agency may require the establishment of an escrow account, from which withdrawals shall be made to reimburse the Village for the cost of professional review services. The applicant shall then provide funds to the Village in two separate installments for deposit into such account in an amount to be determined by the approving agency based on its evaluation of the nature and complexity of the application. To cover the costs of the initial review of the application, a deposit shall be made in accordance with the initial escrow account deposit schedule adopted by the approving agency. After the preliminary review, the applicant shall provide additional funds to the Village for deposit into the escrow account in an amount to be established by the approving agency as the full escrow deposit based upon estimates of the total anticipated review costs provided by the consultants to the approving agency and the applicant. Said estimates are for the convenience of the applicant and shall not be binding upon the approving agency. The applicant shall be provided with copies of any Village voucher for such services as they are submitted to the Village. The balance of the escrow account shall be maintained in accordance with the fee schedule established, and as amended, from time to time by resolution of the Village of Brewster Board of Trustees. If such account is not replenished in accordance therewith within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency

may suspend its review of the application, and any time frames to which the approving agency is bound, with regard to making a determination, shall be deemed to have been waived by the applicant. A building permit or certificate of occupancy or use shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village. After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

D. SEQR fee and escrow. When an action is subject to a positive declaration and involves an applicant, the approving agency may charge a fee to the applicant in order to recover the actual costs of either preparing or reviewing the draft and or final environmental impact statement and as otherwise provided for in SEQR, 6 NYCRR Part 617. Any part of such fee collected by an approving agency and not used for such purposes shall be returned to the applicant.

(1) The approving agency may require the establishment of a SEQR escrow account, from which withdrawals shall be made to reimburse the Village for the cost of professional review services determined to be necessary in connection with the environmental review of an applicant's proposed action.

(2) If the establishment of a SEQR escrow account is required, the applicant shall provide funds to the Village for deposit into such account, in an amount to be determined by the approving agency based on its evaluation of the nature and complexity of the proposed action. The applicant shall be provided with copies of any Village voucher for such services as they are submitted to the Village. The balance of the escrow account shall be maintained in accordance with the fee schedule established, and as amended, from time to time by resolution of the Village of Brewster Board of Trustees. If such account is not replenished in accordance therewith within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency may suspend the environmental review process, and any time frames to which the approving agency is bound, with regard to making a determination, shall be deemed to have been waived by the applicant.

(3) The total amount of such fee shall not exceed that as set forth in SEQR, 6 NYCRR Part 617, as may be amended from time to time.

(4) No building permit or certificate of occupancy or use shall be issued unless all professional review fees charged in connection with an applicant's project have been reimbursed to the Village.

E. Collection of fees. All required fees shall be collected by the Treasurer of the Village of Brewster.